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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
Crisoforo HUERTA-Medina (1),
Roman ALCALA-Ruiz (2),
Defendants.

Magistrate Case No.: **07MJ8835**

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C. § 1324(a)(1)(A)(ii)
Illegal Transportation of Aliens
and Title 18, U.S.C. § 2, Aiding & Abetting

AMENDED

The undersigned complainant being duly sworn states:

On or about October 3, 2007, within the Southern District of California, defendants Crisoforo HUERTA-Medina and Roman ALCALA-Ruiz, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Humberto REYES-Palacios, Victor RIVERA-Guevara and Leticia MORENO-Garrido had come to, entered and remained in the United States in violation of law, did transport and move, and attempt to transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5TH DAY OF OCTOBER 2007.

PETER C. LEWIS
U. S. Magistrate Judge

UNITED STATES OF AMERICA
v.
Crisoforo HUERTA-Medina (1)
Roman ALCALA-Ruiz (2)

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending agents, Border Patrol Agents M. Harrington, Agent J. Vega-Torres, Agent M. Sandoval, Agent S. Sedano, Agent S. Carder, Agent M. Hernandez, and Supervisory Border Patrol Agent A. P. Mills that on October 3, 2007, the defendants, Crisoforo HUERTA-Medina (driver) and Roman ALCALA-Ruiz (foot guide), both Mexican citizens, were apprehended near Calexico, California, as the driver and passenger of a 1990 blue Chevrolet 1990 Pick-up bearing California license 8C95519, as they smuggled thirteen (13) undocumented aliens from Mexico, in violation of law.

The (RVSS) Remote Video Surveillance Operator informed agents that a large group had rafted across the All American Canal. The group crossed Highway 98 and continued north to Verde School Road. Agent Michael Harrington, observed a group of individuals run north through a field. Agent Vega-Torres stated that he heard the guide giving commands and instructing the group to hurry up or lie down when cars passed by. Agents Vega-Torres and Agent Hijar, both observed the group of suspected illegal aliens board a Pick-up truck.

Agent Mills proceeded to follow the Pick-up as it traveled northbound. Using his over-head emergency lights and sirens, Agent Mills attempted to perform a vehicle stop. The Pick-up failed to yield and continued traveling westbound. Agents deployed a Controlled Tire Deflation Device (CTDD), however, the Pick-up continued northbound. The Pick-up came to a stop approximately one half of a mile later.

Agents approached the Pick-up and could clearly see HUERTA exiting the driver's seat attempting to abscond. Huerta was apprehended, and it was determined he and the fourteen passengers were all citizens of Mexico without proper documentation to remain in the United States legally.

At the station, HUERTA was advised of his Miranda rights in the Spanish language. HUERTA acknowledged understanding his rights and was willing to answer any questions without an attorney present. HUERTA told agents he was going to receive free passage and $500.00 for driving the pick-up.

HUERTA told agents he drove the Pick-up and was given a radio and followed a green colored car. He yelled for the aliens and they boarded his pick-up. HUERTA stated he saw the lights behind him and that he knew that the Border Patrol was trying to stop him.

At the station, Agent Vega-Torres interviewed Roman ALCALA-Ruiz. ALCALA was advised of his Miranda rights in the Spanish language. ALCALA acknowledged understanding his rights and was willing to answer any questions without an attorney present. ALCALA stated he gets paid $100.00 per person. ALCALA stated he told the group that he was in charge and they should pay attention to him and do whatever he says. ALCALA stated he had a radio with him and that he was talking with the smuggler.

Material Witnesses Humberto REYES-Palacios, Leticia MORENO-Garrido, and Victor RIVERA-Guevara. RIVERA-Guevara stated they are citizens of Mexico illegally in the United States. REYES, MORENO, and RIVERA, stated they all made arrangements to pay between $1,000.00 and $2,300.00 to be smuggled into the United States. REYES, MORENO, and RIVERA stated they crossed illegally by rafting across the United States/Mexico International border.

REYES, MORENO, and RIVERA were shown a six-pack photo lineup. They all positively identified HUERTA as the driver of the blue colored pick-up that they were being smuggled in. REYES, MORENO and RIVERA were shown a six-pack photo lineup. They all positively identified ALCALA as the smuggler who guided the group north.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Humberto REYES-Palacios	Mexico
Leticia MORENO-Garrido	Mexico
Victor RIVERA-Guevara	Mexico

Further, complainant states that Humberto REYES-Palcacios, Leticia MORENO-Garrido, and Victor RIVERA-Guevara, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.